

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.7270 of 2021

Sivaraj

... Petitioner

Vs.

The State

Rep. by its Inspector of Police,  
Namakkal Police Station,  
Namakkal District.  
Crime No.419 of 2021

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail concerned in Crime No.419 of 2021 on the file of the respondent.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondent : Ms.M.Prabhavathi  
Additional Public Prosecutor

O R D E R

The petitioner who was remanded to judicial custody on 08.03.2021 for the alleged offence under Sections 366 of IPC and 5(1) r/w 6 POCSO Act in Cr.No.419 of 2021 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner is alleged to have kidnapped the defacto complainant's daughter and married her.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He further submitted the petitioner and the defacto complainant's daughter had love affair and on her own volition, she eloped with the petitioner and performed marriage, however, she was

forcibly secured by the law enforcing agency and handed over to the defacto complainant.

4. The learned Additional Public Prosecutor fairly submitted that the statement of the victim girl recorded under Section 164 of Cr.P.C. reveals that she on her own volition eloped with the petitioner and performed the marriage.

5. Considering the fact that the victim girl was not forcibly kidnapped and the fact that she on her own volition eloped with the petitioner, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.I, Namakkal and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

19/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE COURT NO.1,  
NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE  
NAMAKKAL [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

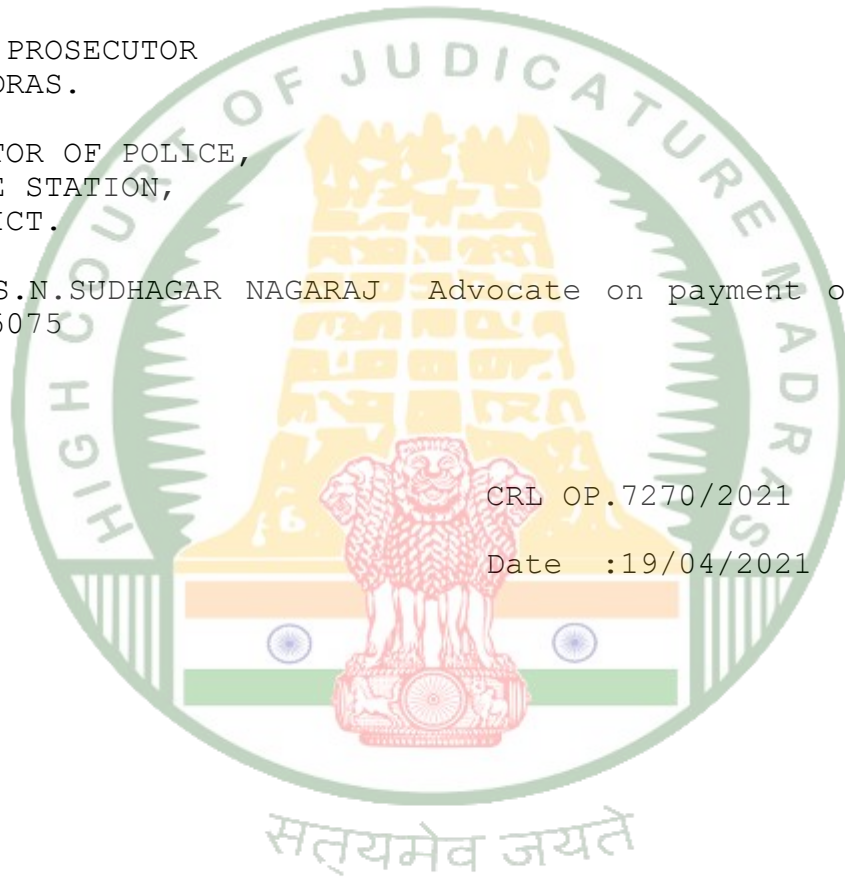
5 THE INSPECTOR OF POLICE,  
NAMAKKAL POLICE STATION,  
NAMAKKAL DISTRICT.

+1 CC to M/S.N.SUDHAGAR NAGARAJ Advocate on payment of necessary  
charges SR.No.5075

CRL OP.7270/2021

Date :19/04/2021

cs 20/04/2021



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